

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Request for Review of the Decision of the Universal Service Administrator by	)	
	)	
Scott County Public Library Georgetown, Kentucky	)	File No. SLD-220094
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	CC Docket No. 97-21
	)	

**ORDER**

**Adopted: October 4, 2002**

**Released: October 7, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has before it a Request for Review filed by the Scott County Public Library (Scott County), Georgetown, Kentucky, challenging a denial by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) of Scott County's application for discounts in Funding Year 2001 of the schools and libraries universal service mechanism.<sup>1</sup> For the reasons set forth below, we deny the Request for Review.

2. Scott County filed its Funding Year 2001 application for discount funding on January 12, 2001.<sup>2</sup> On October 25, 2001, SLD informed Scott County that SLD had received Scott County's application, "but we have no evidence that an Item # 21 Attachment for this application was included."<sup>3</sup> SLD invited Scott County to resubmit the missing attachment,

<sup>1</sup> Letter from William Smith, Scott County Public Library, to Federal Communications Commission, dated March 4, 2002 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c). Previously, Funding Year 2001 was referred to as Funding Year 4. Funding periods are now described by the year in which the funding period starts. 47 C.F.R. §§ 54.502-504.

<sup>2</sup> FCC Form 471, Scott County Public Library, File No. SLD-220094, filed January 12, 2001 (Scott County Form 471).

<sup>3</sup> Letter from George McDonald, Schools and Libraries Division, Universal Service Administrative Company, to Bill Smith, Scott County Public Library, dated October 25, 2001 (October 25, 2001 Letter). A copy of the letter was faxed to Scott County on October 26, 2001. Facsimile from Schools and Libraries Division, Universal Service Administrative Company, to William Smith, Scott County Public Library, dated October 26, 2001.

together with a statement by Scott County that certified that the attachment had been included in Scott County's original filing. On November 6, 2001, Scott County delivered its Item 21 Attachment to SLD, but without the certification statement.<sup>4</sup> On February 19, 2002, SLD informed Scott County that its entire application had been denied because "Proper Certification was not submitted" with Scott County's Item 21 Attachment materials. Scott County appeals SLD's decision in this Request for Review.<sup>5</sup>

3. Scott County bases its appeal on two grounds: that it did certify the timely delivery of the Item 21 Attachment when it filed its original Block 6 Certifications and Signature pages on January 12, 2001;<sup>6</sup> and that the Item 21 Attachment "is redundant and only used as an estimate for an award that must be substantiated several more times in the process."<sup>7</sup>

4. On its first ground, Scott County misreads SLD's February 19, 2002 letter. When that letter states that "Proper Certification was not submitted," it is referring to the certification required in SLD's October 25, 2001 letter, not to the Block 6 Certifications and Signature pages required with the original filing. The October 25 letter plainly states the requirement of a new and separate certification.<sup>8</sup> Even if the Item 21 Attachment was enclosed with Scott County's originally filed Form 471, and even if the Block 6 Certifications and Signature pages could be said to certify that they were included, SLD wrote Scott County on October 25, 2001 saying that the attachments are physically not with the filing, and that a new set of attachments, with a new certification, are needed. Based on our review of the record, we find that Scott County supplied the attachments, but not the certification.<sup>9</sup>

5. We also disagree with Scott County's second assertion, that the Item 21 Attachment requirement is redundant. Item 21 requires the applicant to describe the services for which it seeks funding. The services covered go to the core of the Schools and Libraries funding program, and for that reason the services are discussed extensively in our rules, and in SLD's FCC Form 471 instructions.<sup>10</sup> Even when FCC Form 471 is filed electronically, SLD requires a separate hard-copy filing of Item 21 Attachment and the Block 6 Certifications and Signature pages.<sup>11</sup> That portions of the Item 21 Attachment information also may be submitted in response

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<sup>4</sup> United States Postal Service Form 3811, July 1999, Domestic Return Receipt, Article Number 70001670000696649827, Date of Delivery: November 6, 2001 (November 6, 2001 Postal Receipt).

<sup>5</sup> Letter from Schools and Library Division, Universal Service Administrative Company, to Bill Smith, Scott County Public Library, dated February 19, 2002; Request for Review.

<sup>6</sup> Scott County Form 471.

<sup>7</sup> Request for Review.

<sup>8</sup> The letter states: "To certify that you sent SLD an Item # 21 Attachment, provide an original signed letter on school/library letterhead, signed by the authorized signer of the above mentioned Form 471, containing the following: 'We/I certify that the enclosed Attachments for Form 471 # \_\_\_\_\_ were sent to SLD and postmarked on or before the close of the Fund Year 4 window, January 18, 2001.'" October 25, 2001 Letter.

<sup>9</sup> Package from William Smith, Scott County Public Library, to the Schools and Libraries Division, Universal Service Administrative Company, Item 21 Attachments, November 6, 2001 Postal Receipt.

<sup>10</sup> 47 C.F.R. § 54.504; Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (September 2000) at 5 (September 2000 Instructions).

<sup>11</sup> September 2000 Instructions at 16, 19-20.

to other Items in the application and/or separate requests for information in the course of the funding process is not a defense to failing to submit the Item 21 Attachment. Applicants cannot tailor-make their own version of FCC Form 471 by failing to include a copy of a bill or other documentation setting forth a description of the services for which discounts are requested.

6. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Scott County Public Library, Georgetown Kentucky, on March 4, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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